REMARKS

Claims 1-25 are pending in the present application; and claims 3-11 and 16-22 have been withdrawn from consideration. By virtue of this response, claims 1, 13, 14, and 23-25 have been cancelled, claims 2, 12, 15 have been amended, and new claims 26-51 have been added. Accordingly, claims 2, 12, 15, and 26-51 are currently under consideration.

Claim 2 has been amended for clarity by deleting the parentheses and to change its dependency from claim 1 to claim 52. Claim 12 has been amended to include the elements of claim 14. Claim 15 has been amended to delete the phrase "or progeny thereof". Support for new claim 26 can be found at page 20, paragraph 0069 and at page 26, paragraph 0094 in the specification. Support for new claims 27-33, 37 and 40-44 can be found at pages 26-27, paragraph 0094 in the specification. Support for new claims 34 and 46 can be found on pages 59 and 60, paragraph 0180 in the specification. Support for claims 35, 36, 38, 39 and 45 can be found at pages 27 and 28, paragraphs 0096 and 0097, and pages 39 and 40, paragraphs 0121-0123 in the specification. Support for new claims 47 and 49 can be found at pages 17-19, paragraphs 0065 and 0066 in the specification. Support for new claim 48 can be found at pages 61 and 62, Examples 2 and 3 in the specification. Support for new claims 50 and 51 can be found in original claim 1, Tables 1 and 2 in Example 4 and Examples 5-9 in the specification.

With respect to all amendments and cancelled claims, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants reserve the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional application.

Election/Restriction

Applicants confirm the election of Group I, claims 1, 2, 12-15, and 23-25 without traverse.

Claim Rejections Under 35 USC § 112

A. Claims 2 and 15 stand rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out distinctly claim the subject matter which applicant regards as the invention.

Specifically, claim 2 has been rejected because of recitations that appear in parentheses are indefinite. In response, Applicants have amended claim 2 so that it no longer contain recitations in parentheses. Applicants respectfully request that the rejection be withdrawn.

Claim 15 has been rejected because the phrase "or progeny thereof" is unclear and is open to interpretation. In response, claim 15 has been amended to delete the phrase "or progeny thereof". Applicants respectfully request that the rejection be withdrawn.

B. Claims 1, 2, 12-14, and 23-25 stand rejected under 35 U.S.C. 112 first paragraph, because the specification allegedly does not reasonably provide enablement for any antibody that binds to "PIPA", and antigen that is characterized only by name as a GPI-linked cell surface protein having a molecular weight 45-50 kD. However, the Examiner does acknowledge that the specification is enabling for the specific monoclonal antibody, PIP, which is secreted by the hybridoma cell line ATCC No. PTA-4220.

In response, claims 1, 13, 14, and 23-25 have been cancelled without acquiescing to the merits of the Examiner's rejection; and claims 2 and 12 have been amended to depend from claim 26, which recites antibody PIP produced by a host cell with a deposit number of ATCC No. PTA-4220. Applicants respectfully submit claims 2 and 12 as amended are enabled. Applicants respectfully request that the rejection be withdrawn.

C. Claims 1, 2, 12-14, and 23-25 stand rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement.

In response, claims 1, 13, 14, and 23-25 have been cancelled without acquiescing to the merits of the Examiner's rejection; and claims 2 and 12 have been amended to depend from claim 26, which recites antibody PIP produced by a host cell with a deposit number of ATCC No. PTA-

4220. Applicants respectfully submit claims 2 and 12 as amended satisfy the written description requirement. Applicants respectfully request that the rejection be withdrawn.

D. Claim 15 is rejected under 35 U.S.C. §112, first paragraph, as alleged failing to comply with the written description requirement. The Examiner states the term "progeny" implies that claim 15 includes within its scope, cell lines that are yet to be isolated and that are somehow different from the cell line that is deposited as ATCC No. PTA-4220.

Without acquiescing to the merits of the Examiner's rejection, claim 15 has been amended to delete the term "or progeny thereof". Thus, this rejection becomes moot. Applicants respectfully request that the rejection be withdrawn.

E. Claims 12-14 and 24 stand rejected to under 35 U.S.C. 112, first paragraph, because the specification allegedly does not reasonably provide enablement for pharmaceutical composition comprising any antibody to PIPA or comprising the specific antibody secreted by the hybridoma ATCC No. PTA-4220, wherein the specified antibody is not conjugated or bound to a therapeutic agent or toxin.

In response, claims 13, 14 and 24 have been cancelled without acquiescing to the merits of the Examiner's rejection; and thus, the Examiner's rejection of these claims are moot. Claim 12 has been amended to recite the pharmaceutical composition of the antibody PIP wherein the composition comprises an additional therapeutic moiety. The Examiner acknowledges that the specification is enabling for pharmaceutical compositions comprising the specific antibody secreted by hybridoma, ATCC No. PTA-4220, wherein the antibody is conjugated or bound to a therapeutic agent or toxin. Applicants respectfully submit that claim 12 as amended is enabled. Applicants respectfully request that the rejection be withdrawn.

F. Claim 15 stands rejected under 35 U.S.C. 112, first paragraph, as allegedly containing subject matter which was not set forth in the specification in such a way as to enable one skilled in the art to which it pertains, or with which is most nearly connected, to make and/or use the

invention. The Examiner states the specification teaches the specific cell line, ATCC No. PTA-4220, but it is not clear that this cell line is freely available to the public.

In response, Applicants submit a copy of the Deposit Receipt for the host cell line and a declaration by an officer of the assignee assuring the availability of the deposit as required under 37 C.F.R. §§1.801-1.809. Applicants respectfully submit that claim 15 is enabled and request that the rejection be withdrawn.

In light of the foregoing amendments and remarks, Applicants respectfully request withdrawal of the rejections under 35 USC §112.

Claim Rejections Under 35 USC § 102

A. Claims 1, 2, 12, 13, and 23-25 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Smith (Smith, G.M. et al., Journal of Clinical Immunology, 17(6): 502-509, 1997; cited in the IDS). The Examiner states that Smith et al. disclose an antibody that binds to CD48, which is a protein that is 47 kDa and is a GPI-linked glycoprotein, that is expressed in lymphoid malignancies. The Examiner also states that because PIPA is characterized in the specification as a GPI-linked protein present on various tumor cells and having the molecular weight of between 45-50 kDa, it appears that an antibody that binds to CD48 is the same as an antibody that binds to PIPA.

Applicants respectfully traverse this rejection.

Applicants note that claims 1, 13, and 23-25 have been cancelled; and thus, the rejection to these claims becomes moot. Applicants respectfully submit that the antigen target of PIP antibody is not CD48. Applicants submit herewith the Declaration of Tony W. Liang pursuant to 37 C.F.R. §1.132 (hereinafter "Liang Declaration"). As set forth in Paragraphs 4-7 of the Liang Declaration, Mr. Liang performed antibody ELISA assays in order to determine if the antigen target (PIPA) was CD48. Exhibit 1 shows that the PIP antibody did not bind to recombinant human CD48 protein. Thus, the antigen target for the PIP antibody (PIPA) is not CD48.

In view of the above, since the antigen target of PIP antibody (PIPA) is not CD48, Smith et al. do not anticipate claims 2 and 12 as amended and new claims 26-51.

B. Claims 1, 2, 12, 13, and 23-25 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by WO 97/35614 (published 2 October 1997). The Examiner states that WO 97/35614 discloses antibodies and pharmaceutical compositions thereof, that bind to CD48 and it appears that an antibody that binds to CD48 is the same as an antibody that binds to PIPA.

Applicants respectfully traverse this rejection.

Applicants note that claims 1, 13, and 23-25 have been cancelled; and thus, the rejection to these claims becomes moot. As stated above, since the antigen target of the PIPA antibody (PIPA) is not CD48, antibodies and pharmaceutical compositions that bind to CD48 do not anticipate claims 2 and 12 as amended and new claims 26-51.

C. Claims 1, 23, and 25 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Ianelli (Ianelli, C.J. et al., The Journal of Immunology, 159: 3910-3920, 1997).

Applicants note that claims 1, 23 and 25 have been cancelled; and thus, the rejection to these claims becomes moot.

In view of the above amendments and remarks, Applicants respectfully request withdrawal of the rejections made under 35 U.S.C. § 102(b).

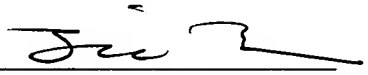
CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.*. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: December 28, 2006

Respectfully submitted,

By 

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